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EXAMINER

JOO, JOSHUA

ART UNIT	PAPER NUMBER
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2154

DATE MAILED: 08/19/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/033,146

Applicant(s)

CHEN ET AL

Examiner

Joshua Joo

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 June 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-67 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-67 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>5/6/05, 6/13/05, 6/27/05, 6/26/05</u> | 6) <input type="checkbox"/> Other: _____ |

Response to Office Action filed on 6/27/2005

1. Claims 1-67 are presented for examinations.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claim 1-6, 8-14, 16, 17, 19-21-31, 33-42, 44-53, and 55-66 are rejected under 35 U.S.C. 102(e) as being unpatentable by Delph, US Patent #6,199,104.

4. As per claims 1, 16, 20, 23, 33, 34, 44, 45, and 55-58, Delph teaches the invention as claimed for pushing asynchronous messages to a client computer, wherein the messages are first pushed through an intermediate server. Delph's teachings comprise of:

a processor (Col 3, lines 64. Computer.);

memory, the memory storing instructions for executing on the processor (Col 4, lines 48-

49. Computer has memory to store host data.);

controlling instructions to control a user interface presented by a web browser

comprising (Col 4, lines 6-13. Intermediate server sends information that will allow receiver computer to render its screen.):

registering instructions to register the web browser as available to receive an asynchronous message, wherein the web browser is not blocked waiting for the asynchronous message (Col 6, lines 36-37; 49-65; Col 7, lines 8-11. Registers for receiver computer to receive asynchronous message.); and

pushing instructions to cause a web server to push asynchronous message to the web browser; wherein the web browser presents a user interface change in response to the asynchronous message (Col 4, lines 9-12; Col 5, lines 14-15; 23-25; Col 6, lines 6-7, 36-37, 47-48. Data is pushed to cause intermediate server to push asynchronous messages to the web browser, where the web browser is rendered in response to the asynchronous message.).

wherein the computer-readable medium further stores the user interface changing instructions (Col 4, lines 47-50. Host computer has memory to store data.).

5. As per claim 19, Delph teaches the invention as claimed for pushing asynchronous messages to a client computer, wherein the messages are first pushed through an intermediate server. Delph's teachings comprise of:

establishing a first connection between a web browser and a web server (Fig. 1 #6, Col 4, lines 4-9. Web browser connects to the intermediate server.);

establishing a second connection between the web server and a business process server (Fig. 1 #1A, Col 4, lines 4-9. Host computer connects to the intermediate server.);

controlling a user interface presented by the web browser comprising:

registering the web browser with the business process server (Col 6, lines 49-56; Col 7, lines 12-15. Client contacts salesperson to receive information through a computer network. Bank teller may provide account information to a client. Registration is an inherent process to receive service.);

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providing the web server with an asynchronous message to push to the web browser, the providing being performed by the business process server (Col 5, lines 14-15; Col 6, lines 7-8, 36-37, 47-48, 63-65. Host computer submits asynchronous message to push to the web browser.); and

causing the web server to push the asynchronous message to push to the web browser; wherein the web browser performs a user interface change in response to the asynchronous to the asynchronous message (Col 4, lines 9-12; Col 6, lines 7-8, 36-37, 47-48, 63-65; Col 7 ,lines 1-3. Host computer sends data to the intermediate server. Intermediate server sends data to the client, causing a change in response due to the asynchronous message.).

6. As per claim 21, Delph teaches the invention as claimed for pushing asynchronous messages to a client computer, wherein the messages are first send through an intermediate server. Delph's teachings comprise of:

causing the web browser to provide a wait request to a web server, the wait request being associated with the web browser (Col 4, lines 4-5; Col 6, lines 53-55; Col 7, lines 15-25. Web browser provides a request to the intermediate server for information. Client receives information such as stock or email for later view.);

identifying a source of an asynchronous message (Col 5, lines 6-11; Col 6, lines 53-55. Host computer sends a set-up request to the intermediate server, and in response, the intermediate server sends a set-up confirmation output. Client contacts a salesperson through a computer network.);

associating the wait request with the source, wherein the associating identifies the web browser as a recipient of the asynchronous message (Col 4, lines 4-5; Col 6, lines 7-8, 36-37,

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63-65. Client requests information and the host computer sends asynchronous message to the web browser.); and

pushing the asynchronous message to the web browser (Col 6, lines 7-8, 36-37; 47-48.

Information is pushed to the web browser in an asynchronous mode.);

wherein the browser presents a user interface change in response to the asynchronous message (Col 4, lines 8-10; Col 7, lines 15-17. A display is rendered on the host computer.).

7. As per claim 22, Delph teaches the invention as claimed for pushing asynchronous messages to a client computer wherein the messages are first send through an intermediate server. Delph's teachings comprise of:

causing the web browser to provide a wait request to a web server, wherein the wait request is associated with the web browser and a target from which an asynchronous message originates (Col 4, lines 4-5; Col 5, lines 14-15; Col 6, lines 53-55. Web browser provides a request to the intermediate server for information. Client contacts a salesperson for information through a computer network. Hot computer submits host data.);

generating the asynchronous message, the asynchronous message identifying the web browser as a recipient of the asynchronous message, the generating being performed by the target (Col 5, lines 14-15; Col 6, lines 36-37; Col 53-55. Host computer submits host data to the intermediate server, where data is send to the client in an asynchronous mode.) ;

providing the asynchronous message to the web server (Col 5, lines 14-15; Col 6, lines 36-37. Host computer submits information to the intermediate server, which is to be sent to the receiver computer in an asynchronous mode.); and

causing the web server to push asynchronous message to the web browser; wherein the web browser presents a user interface change in response o the asynchronous message (Col 4,

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lines 9-12; Col 5, lines 14-15; 23-25; Col 6, lines 36-37; 47-48. Data is pushed to cause intermediate server to push asynchronous messages to the web browser, where the web browser is rendered in response to the asynchronous message.).

8. As per claim 2, Delph teaches the method of claim 1 further comprising: generating the asynchronous message (Col 5, lines 14-15; Col 6, lines 36-37. Host computer submits information to be sent to the receiver computer in an asynchronous mode.).

9. As per claim 3, Delph teaches the method of claim 1 further comprising: preparing to receive the asynchronous message (Col 6, lines 7-8; 36-38. Receiver computer receives the asynchronous message.).

10. As per claims 4, 5, 24, 35, 46, and 59, Delph teaches the invention comprising:
providing instructions to cause the web browser to provide a wait request to the web server, the wait request being associated with the web browser (Col 4, lines 4-5; Col 5, lines 14-15; Col 6, lines 53-55. Web browser provides a request to the intermediate server for information. Host computer submits host data);

identifying instructions to identify a source of the asynchronous message (Col 5, lines 6-12; Col 6, lines 53-55. Client contacts host computer through a computer network. Intermediate server establishes a session with the host computer.); and

associating instructions to associate the wait request with the source, wherein the associating identifies the web browser as a recipient of the asynchronous message (Col 4, lines 4-5; Col 6, lines 7-8; 36-37; 63-65. Client requests information, and the host computer sends asynchronous message to the web browser.).

11. As per claims 6, 25, 36, 47, and 60, Delph teaches the invention comprising:

request providing instructions to cause the web browser to provide a wait request to the web server, the wait request being associated with the web browser (Col 4, lines 4-5; Col 5, lines 14-15; Col 6, lines 53-55. Web browser provides a request to the intermediate server for information. Host computer submits host data);

generating instructions to generate the asynchronous message, the asynchronous message identifying the wait request, wherein the identifying identifies the web browser as a recipient of the asynchronous message (Col 5, lines 14-15; Col 6, lines 36-37; Col 53-55. Host computer submits host data to intermediate server, where data is send to the client in an asynchronous mode.); and

message providing instructions to provide the asynchronous message to the web server (Col 5, lines 14-15; Col 6, lines 47-48, 49-51. Client contacts host computer. Host computer provides asynchronous message to the server.).

12. As per claims 8, 26, 37, 48, and 61, Delph teaches the invention comprising:

storing instructions to store a reference to a callback function with information from the wait request (Col 6, lines 50-56, 64-65; Col 7, lines 13-19. Client contacts host computer, which allows for the host computer to send data to the intermediate server. Bank teller may provide account information to a customer. Broker may provide specific stock information.); and

using instructions to use the reference to call the callback function when the asynchronous message is provided to the web server, wherein the callback function pushes the asynchronous message (Col 6, lines 7-8, 50-56, 64-65; Col 7, lines 13-15. Client contacts host

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computer, which allows for the host computer to send data to the intermediate server. Data is pushed to the client. Bank teller may provide account information to a customer.).

13. As per claims 9, 27, 38, 49, and 62, Delph teaches the invention comprising: context providing instructions to provide the callback function with context information, the context information identifying the web browser (Col 6, lines 49-65. Client provides information to the travel agent through a computer network, so that for the travel agent can provide information presentable to the web browser of the client.).

14. As per claims 10, 11, 28, 39, 50, and 63, Delph teaches the invention comprising:
assigning instructions to assign the wait request to a connection between the web server and a business process server (Col 4, lines 4-6; Col 5, lines 4-15. Client sends a request to an intermediate server, where intermediate server is connected to the hos computer.); and
listening instructions to listen to the connection for the asynchronous message (Col 5, lines 4-15; Col 6, lines 36-37. The intermediate server waits for a session from host computer.).

15. As per claims 12, 29, 40, 51, and 64, Delph teaches the invention comprising: calling instructions to call a callback function associated with the web browser when the asynchronous message is received, wherein the callback function pushes the asynchronous message; and (Col 5, lines 23-25; Col 6, lines 4-8, 36-37, 45-48; Col 7, lines 11-26. Client submits contact information to host computer, so that the intermediate server may push information to the client's web browser when received from the host computer.).

16. As per claims 13, 30, 41, 52, and 65, Delph teaches the invention comprising:

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reference storing instructions to store a reference to the callback function (Col 6, lines 50-56, 64-65; Col 7, lines 13-15. Client contacts host computer through a computer network, which allows for the host computer to send data to the intermediate server. Bank teller may provide account information to a customer.) and

reference using instructions to use the reference for calling the callback function (Col 6, lines 50-56, 64-65; Col 7, lines 13-15. Client contacts host computer, which allows for the host computer to send data to the intermediate server. Bank teller may provide account information to a customer.);

17. As per claims 14, 31, 42, 53, and 66, Delph teaches the invention comprising:

context storing instruction to store a second reference to context information, the context information identifying the web browser (Col 6, lines 50-56, 64-65; Col 7, lines 13-15. Client contacts host computer through a computer network, which allows for the host computer to send data to the intermediate server. Bank teller may provide account information to a customer.) and

context using instructions to use the second reference for providing the context information to the callback function (Col 6, lines 50-56, 64-65; Col 7, lines 13-15. Client contacts host computer, which allows for the host computer to send data to the intermediate server. Bank teller may provide account information to a customer.).

18. As per claim 17, Delph teaches the method of claim 16, wherein the asynchronous message includes an action instruction to cause the web browser to perform the action (Col 4, lines 8-13; Col 6, lines 36-37. The asynchronous message allows the receiver computer to

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render a screen.).

Claim Rejections - 35 USC § 103

19. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

20. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Delph in view of Landsman et al, US Patent #6,314,451 (Landsman hereinafter).

21. As per claim 7, Delph does not teach the method of claim 6, wherein causing the web browser to provide the wait request comprises: downloading requesting instructions to the web browser, wherein downloading causes the web browser to execute the requesting instructions.

22. Landsman teaches of asynchronous sending of advertisements to a client computer. When the client browser encounters a web page with advertisement, the browser contacts the agent server to ensure that the executable code for the applet is updated. The browser downloads updated files and executes the applet. The web browser blocks from downloading any advertisement until the applet is executing (Col 23, lines 18-34; Col 32, lines 53-55; Col 39, lines 3-12).

23. It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Delph and Landsman because both teachings deal with the sending of asynchronous messages to clients. Delph teaches that the client does not need any

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compatible software programs other than a web browser to receive the data (Col 7, lines 6-8), thus it would have been desirable to download and executes applets for the web browser. The teachings of Landsman of downloading and executing applets would improve the teachings of Delph by allowing the client to receive information and to display the information on the client's web browser.

24. Claims 15, 18, 32, 43, 54, and 67 are rejected under 35 U.S.C. 103(a) as being unpatentable over Delph view of Boyle et al, US Patent #6,138,158 (Boyle hereinafter).

25. As per claims 15, 18, 32, 43, 54, and 67, Delph teaches of receiving information from a server and rendering the browser to the received information (Col 4, lines 8-13). However, Delph does not teach of causing a second user interface object to issue a sound to capture the user's attention and presenting a screen pop of data; and bringing a web browser window to a front of screen.

26. Boyle teaches of pushing data to mobile devices where upon receiving message, the device produces a sound to capture the user's attention and a notification is prompted to the screen, the display coded HDML, similar to HTML (Col 6, lines 5-6; Col 10, lines 59-61; Col 11, lines 2-14).

27. It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Delph and Boyle because both teachings deal with the pushing of information to clients. Delph teaches of rendering the display screen of the client when information is received, thus it would have been desirable to produce a sound and prompted the web browser to the screen to capture the client's attention. The teachings of

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Boyle to produce a sound and display a notification on the screen would improve the teachings of Delph by providing alternative methods to make the user aware of incoming messages.

Response to Arguments

28. Applicant argued that (1) Delph's intermediate server 50 sends translated data to receiver computer 90 upon receiving a request for the translated host data, and not as an asynchronous message; and (2) the multiple portions of data nevertheless are pushed in response to a synchronous request for the data and not an asynchronous message.

Examiner traverses the argument:

29. As to point (1), Delph teaches:

In column 6, lines 36-37,

"Receiver computers 90, for example, share data in an asynchronous mode, where as receiver computers 91 receive data in a synchronous mode." and

in column 6, lines 45-49.

"However, receiver computers 90 and 91 could view data from host computer 180 if that data is first sent to intermediate server 150 and then pushed to intermediate server 50..." (Col 6, lines 45-49).

30. Thus, Delph teaches that data is send to receiver computers 90 in an asynchronous message, and in column 6, line 37, Delph specifically mentions that the receiver computers 90 receive data in "asynchronous mode". Figure 2 teaches that the plurality of computers in the Delph's system receive data in synchronous and asynchronous modes. Delph further teaches of sending data in an asynchronous mode in other parts of his patent.

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In column 7, lines 20-23, "information can be provided by a host operator and saved by the intermediate server in the asynchronous mode."

In column 9, lines 17-18, "send the translated host data to said receiver computer in an asynchronous mode."

31. As to point (2), claims 1, 16, 19, 20, 23, 33, 34, 44, 45, and 55-58 only teach of "causing a web server to push an asynchronous message to the web browser...". Claim 21 only teaches of "causing the web browser to provide a wait request to the server... pushing the asynchronous message to the web browser." Therefore, there is no specific mention of data being in send in response an asynchronous message. As mentioned by the Applicant, data is pushed as a response to a request, which is the "cause" of the web server pushing data. It is noted that the features upon which Applicant relies are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Conclusion

32. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

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however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

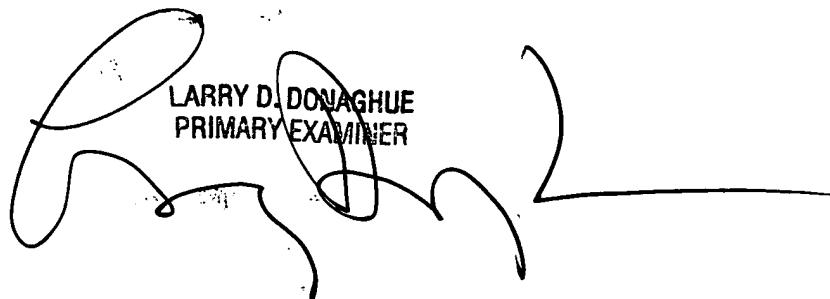
33. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joshua Joo whose telephone number is 571 272-3966. The examiner can normally be reached on Monday to Friday 7 to 4.

34. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John A. Follansbee can be reached on 571 272-3964. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

35. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

August 15, 2005

JJ


LARRY D. DONAGHUE
PRIMARY EXAMINER